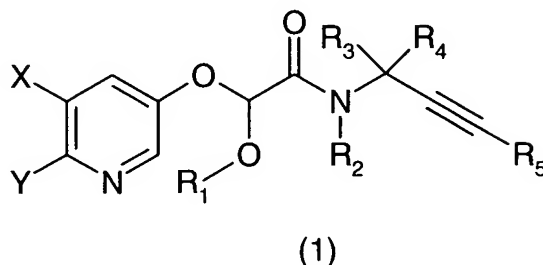


AMENDMENTS TO THE CLAIMS

Claim 1. (Original): A compound of the general formula (1):



or the corresponding pyridine N-oxide, wherein

X and Y are independently halo, C₁₋₄ alkyl, halo(C₁₋₄)alkyl, C₂₋₄ alkenyl, halo(C₂₋₄)alkenyl, C₂₋₄ alkynyl, halo(C₂₋₄)alkynyl, C₁₋₄ alkoxy, halo(C₁₋₄)alkoxy, -S(O)_n(C₁₋₄)alkyl where n is 0, 1 or 2 and the alkyl group is optionally substituted with fluoro, -OSO₂(C₁₋₄)alkyl where the alkyl group is optionally substituted with fluoro, cyano, nitro, C₁₋₄ alkoxycarbonyl, -CONR'R'', -COR', -NR'COR'', -NR'CO₂R''' where R' and R'' are independently H or C₁₋₄ alkyl and R''' is C₁₋₄ alkyl, or optionally substituted phenyl, or Y is H;

R₁ is a straight-chain C₁₋₄ alkyl group;

R₂ is H, C₁₋₄ alkyl, C₁₋₄ alkoxymethyl or benzyloxymethyl in which the phenyl ring of the benzyl moiety is optionally substituted with C₁₋₄ alkoxy;

R₃ and R₄ are independently H, C₁₋₃ alkyl, C₂₋₃ alkenyl or C₂₋₃ alkynyl provided that both are not H and that when both are other than H their combined total of carbon atoms does not exceed 4, or R₃ and R₄ join with the carbon atom to which they are attached to form a 3 or 4 membered carbocyclic ring optionally containing one O, S or N atom and optionally substituted with halo or C₁₋₄ alkyl; and

R₅ is H, C₁₋₄ alkyl or C₃₋₆ cycloalkyl in which the alkyl or cycloalkyl group is optionally substituted with halo, hydroxy, C₁₋₆ alkoxy, cyano, C₁₋₄ alkylcarbonyloxy, aminocarbonyloxy, mono- or di(C₁₋₄)alkylaminocarbonyloxy, -S(O)_n(C₁₋₆)alkyl where n is 0, 1 or 2, triazolyl, tri(C₁₋₄)alkylsilyloxy, optionally substituted phenoxy, optionally substituted thienyloxy, optionally substituted benzyloxy or optionally substituted thienylmethoxy, or

R₅ is optionally substituted phenyl, optionally substituted thienyl or optionally substituted benzyl, in which the optionally substituted phenyl and thienyl rings of the X, Y and R₅ values are optionally substituted with one, two or three substituents selected from halo, hydroxy, mercapto, C₁₋₄ alkyl, C₂₋₄ alkenyl, C₂₋₄ alkynyl, C₁₋₄ alkoxy, C₂₋₄ alkenyloxy, C₂₋₄ alkynyloxy, halo(C₁₋₄)alkyl, halo(C₁₋₄)alkoxy, C₁₋₄ alkylthio, halo(C₁₋₄)alkylthio, hydroxy(C₁₋₄)alkyl, C₁₋₄alkoxy(C₁₋₄)alkyl, C₃₋₆ cycloalkyl, C₃₋₆ cycloalkyl(C₁₋₄)alkyl, phenoxy, benzyloxy, benzyloxy, cyano, isocyano, thiocyanato, isothiocyanato,

nitro, $-NR^mR^n$, $-NHCOR^m$, $-NHCONR^mR^n$, $-CONR^mR^n$, $-SO_2R^m$, $-OSO_2R^m$, $-COR^m$, $-CR^m=NR^n$ or $-N=CR^mR^n$, in which R^m and R^n are independently hydrogen, C_{1-4} alkyl, halo(C_{1-4})alkyl, C_{1-4} alkoxy, halo(C_{1-4})alkoxy, C_{1-4} alkylthio, C_{3-6} cycloalkyl, C_{3-6} cycloalkyl(C_{1-4})alkyl, phenyl or benzyl, the phenyl and benzyl groups being optionally substituted with halogen, C_{1-4} alkyl or C_{1-4} alkoxy.

Claim 2. (Original): A compound according to claim 1 wherein X is chloro or bromo, and Y is H.

Claim 3. (Currently Amended): A compound according to claim 1 ~~or 2~~ wherein R_1 is methyl, ethyl, *n*-propyl or *n*-butyl.

Claim 4. (Currently Amended): A compound according to ~~any one of the preceding claims~~ claim 1 wherein R_1 is methyl or ethyl.

Claim 5. (Currently Amended): A compound according to ~~any one of the preceding claims~~ claim 1 wherein R_2 is H.

Claim 6. (Currently Amended): A compound according to ~~any one of the preceding claims~~ claim 1 wherein both R_3 and R_4 are methyl.

Claim 7. (Currently Amended): A compound according to ~~any one of the preceding claims~~ claim 1 wherein R_5 is H, methyl, hydroxymethyl, methoxymethyl, 1-methoxyethyl, *tert*-butyldimethylsilyloxy-methyl, 3-cyanopropyl, 3-(1,2,4-triazol-1-yl)propyl, 3-methylthiopropyl, 3-methanesulphonylpropyl or 3-methanesulphonylpropyl.

Claim 8. (Original): A compound according to claim 1 wherein X and Y are independently halo, C_{1-4} alkyl, C_{2-4} alkenyl, C_{2-4} alkynyl, optionally substituted phenyl, cyano, or $-COR'$ where R' is H or C_{1-4} alkyl, or Y is H;

R_1 is a straight-chain C_{1-4} alkyl group;

R_2 is H, C_{1-4} alkyl, C_{1-4} alkoxymethyl or benzyloxymethyl in which the phenyl ring of the benzyl moiety is optionally substituted with C_{1-4} alkoxy;

R_3 and R_4 are independently H, C_{1-3} alkyl, C_{2-3} alkenyl or C_{2-3} alkynyl provided that both are not H and that when both are other than H their combined total of carbon atoms does not exceed 4, or R_3 and R_4 join with the carbon atom to which they are attached to form a 3 or 4 membered carbocyclic ring optionally containing one O, S or N atom and optionally substituted with halo or C_{1-4} alkyl; and

R₅ is H, C₁₋₄ alkyl or C₃₋₆ cycloalkyl in which the alkyl or cycloalkyl group is optionally substituted with halo, hydroxy, C₁₋₆ alkoxy, C₁₋₆ alkylthio, cyano, C₁₋₄ alkylcarbonyloxy, aminocarbonyloxy or mono- or di(C₁₋₄)alkylaminocarbonyloxy, tri(C₁₋₄)alkylsilyloxy, optionally substituted phenoxy, optionally substituted thienyloxy, optionally substituted benzyloxy or optionally substituted thienylmethoxy, or

R₅ is optionally substituted phenyl, optionally substituted thienyl or optionally substituted benzyl; in which the optionally substituted phenyl and thienyl rings of the X, Y and R₅ values are optionally substituted with one, two or three substituents selected from halo, hydroxy, mercapto, C₁₋₄ alkyl, C₂₋₄ alkenyl, C₂₋₄ alkynyl, C₁₋₄ alkoxy, C₂₋₄ alkenyloxy, C₂₋₄ alkynyloxy, halo(C₁₋₄)alkyl, halo(C₁₋₄)alkoxy, C₁₋₄ alkylthio, halo(C₁₋₄)alkylthio, hydroxy(C₁₋₄)alkyl, C₁₋₄alkoxy(C₁₋₄)alkyl, C₃₋₆ cycloalkyl, C₃₋₆ cycloalkyl(C₁₋₄)alkyl, phenoxy, benzyloxy, benzoyloxy, cyano, isocyano, thiocyanato, isothiocyanato, nitro, -NR^mRⁿ, -NHCOR^m, -NHCONR^mRⁿ, -CONR^mRⁿ, -SO₂R^m, -OSO₂R^m, -COR^m, -CR^m=NRⁿ or -N=CR^mRⁿ, in which R^m and Rⁿ are independently hydrogen, C₁₋₄ alkyl, halo(C₁₋₄)alkyl, C₁₋₄ alkoxy, halo(C₁₋₄)alkoxy, C₁₋₄ alkylthio, C₃₋₆ cycloalkyl, C₃₋₆ cycloalkyl(C₁₋₄)alkyl, phenyl or benzyl, the phenyl and benzyl groups being optionally substituted with halogen, C₁₋₄ alkyl or C₁₋₄ alkoxy.

Claim 9. (Original): A compound according to claim 1 wherein X is chloro or bromo and Y is H; R₁ methyl, ethyl, n-propyl, n-butyl; R₂ is H; R₃ and R₄ are both methyl; and R₅ is H, methyl, hydroxymethyl, methoxymethyl, 1-methoxyethyl, tert-butyldimethylsilyloxymethyl, 3-methylthiopropyl, 3-methanesulphonylpropyl or 3-methanesulphonylpropyl.

Claim 10. (Original): A process for preparing a compound according to claim 1 as herein described.

Claim 11. (Original): A fungicidal composition comprising a fungicidally effective amount of a compound of formula (1) as defined in claim 1 and a suitable carrier or diluent therefor.

Claim 12. (Currently Amended): A method of combating or controlling phytopathogenic fungi which comprises applying a fungicidally effective amount of a compound of formula (1) as defined in claim 1 ~~or a composition according to claim 11~~ to a plant, to a seed of a plant, to the locus of the plant or seed or to soil or any other plant growth medium.